

response to this action to one (1) month from the date thereof requiring a response to be filed on or before February 9, 2008, which is a Saturday, making the due date for response to be Monday, February 11, 2008.

ADDITIONAL FEES

No additional fees are deemed due herein for filing of this COMMUNICATION. However, if any fees are required for any reason, please charge the same to Deposit Account No. 13-2515.

REMARKS

Claims in the Application

Claims 1 through 48 are pending in this United States Patent Application. The claim(s) are subject to a restriction requirement under 35 U.S.C. 121 as set forth below.

Election/Restriction

The Examiner imposed a restriction requirement under 35 U.S.C. 121 and determined that the following distinct inventions were present in this United States Patent Application:

<u>Group</u>	<u>Claims</u>	<u>Classification</u>
I	Claims 1-19, 22-26 and 30-48	Drawn to a surgical saw blade, classification not specified by the Examiner
II	Claims 20-21	Drawn to a combination of surgical bone saw and a bone saw blade, classification not specified by the Examiner
III	Claims 27-29	Drawn to a surgical saw blade for penetrating bone when the surgical saw blade is operatively coupled to an oscillatory power tool, classification not specified by the Examiner

The undersigned hereby elects Group I, Claims 1-19, 22-26 and 30-48, for prosecution in this Application. This election is made without traverse.

Election of Species

The Examiner stated as follows with respect to the Group I election:

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable

thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which dependent from or otherwise require all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(A).

Applicant respectfully disagrees with the Examiner's statement that there are no generic claims in that that claim 1 is generic in that all species have "at least one pair of teeth for cutting bone". Therefore, a review of this issue will be deferred pending the results of the prosecution of the elected species as discussed below.

In order to be responsive to the requirement imposed by the Examiner, Applicant identifies the following species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable:

"at least one pair of teeth for cutting bone" as recited in claims 1, 6, 12, 14, 19, 30 and 33.

Upon allowance of a generic claim, applicant reserves the right to request consideration of claims to additional species as set forth by the Examiner.

Withdrawn Invention

Groups II, claims 22-21 and Groups III, claims 27-29, are withdrawn from further consideration by the Examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Applicant does not desire to cancel the claims drawn to the non-elected invention until an allowable claim or claims have been obtained in this Application. At that time, Applicant will consider the filing of one or more Divisional Application(s) to continue prosecution of the non-elected inventions.

Respectfully submitted,



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